

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

LUZ S. TORRES BURGOS,  
ET AL

**Plaintiffs**

Vs.

LIFE INSURANCE COMPANY OF  
NORTH AMERICA; EL ALS

**Defendants**

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CIVIL NO. 98-2394 (JP)

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**MOTION IN COMPLIANCE WITH ORDER**

**TO THE HONORABLE COURT:**

Come now plaintiffs, through her undersigned attorney and very respectfully state and prays as follows:

1. The Honorable Judge Jaime Pieras, Jr. issued an order to plaintiff requesting to electronically re-submit a copy of our complaint.
2. The present case was originally filed before the State Court, Ponce Part under civil number JAC98-0719 claiming for breach of contract and damages arguing to have benefits acquired under ERISA and that such benefits were denied without any reason. (paragraphs 5, 6 and 7 of the complaint)
3. In compliance with such order plaintiff hereby attach a copy of such complaint as Exhibit I.
4. It is also enclosed a copy of the certified translation prepared by defendants as part of the process of removal of the action pursuant to 28 U.S.C. §1446 and §1447 (c).

WHEREFORE, it is respectfully requested to this Honorable Court to consider plaintiff complied with order dated September 26, 2006.

RESPECTFULLY SUBMITTED.

In Ponce, Puerto Rico, this September 28, 2006.

CERTIFICATE OF SERVICE: I hereby certify that on this date, the undersigned have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following: Arturo Bauermeister-Baldrice to [abauerme@fglaw.com](mailto:abauerme@fglaw.com) and to Maria Isabel Rey-Cancio to [mrey@fglaw.com](mailto:mrey@fglaw.com), [jcperez@fglaw.com](mailto:jcperez@fglaw.com).

/s/Lemuel Negrón-Colón  
PO Box 8849  
Ponce, PR 00732-8849  
Tel. /Fax (787) 840-6719  
USDC-PR 211202  
e-mail: [lemuel@coqui.net](mailto:lemuel@coqui.net)

ESTADO LIBRE ASOCIADO DE PUERTO RICO  
TRIBUNAL DE PRIMERA INSTANCIA  
SALA SUPERIOR DE PONCE**COPY**LUZ S. TORRES BURGOS;  
NELSON E. COLON MELENDEZ  
y la Sociedad Legal de Gananciales  
compuesta por ambos

&amp; CIVIL NUM:

JA 98-0719

&amp;

Demandantes

&amp;

VS.

&amp; SOBRE:

LIFE INSURANCE COMPANY OF  
NORTH AMERICA;  
CIGNA GROUP INSURANCE CO. y  
ABC INSURANCE, CO.

&amp; INCUMPLIMIENTO DE CONTRATO;

&amp; DAÑOS Y PERJUICIOS

Demandados

&amp;

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**D E M A N D A**

AL HONORABLE TRIBUNAL:

Comparece la parte demandante por conducto de su representación legal y, muy respetuosamente, **ALEGA, EXPONE Y SOLICITA:**

1. Que los demandantes, LUZ S. TORRES BURGOS y NELSON E. COLON MELENDEZ, son casados entre sí, mayores de edad, y vecinos de Orocovis, Puerto Rico. Su dirección residencial lo es la carretera 569, km. 1.0 interior en el pueblo de Orocovis, Puerto Rico, y la postal el PO Box 129, Orocovis, Puerto Rico 00720.

2. Que las co-demandadas, Life Insurance Co. of North America, Cigna Group Insurance, Corp. y ABC Insurance, Co. son unas corporaciones con fines pecuniarios para ejercer la práctica de seguros en Puerto Rico y están autorizadas por el Comisionado de Seguros de Puerto Rico del Estado Libre Asociado de Puerto Rico para ejercer dicha práctica. Su dirección lo es el Apartado 191249, San Juan, Puerto Rico 00919-1249. ABC Insurance, Co. es un nombre ficticio con el que se identifica a la aseguradora.

3. Que la demandante trabajaba en la institución Ponce Federal Bank, F.S.B. y ésta tenía expedida una póliza a los empleados gerenciales por incapacidad para trabajar.

4. Que la demandante se incapacitó para trabajar por razones de salud.

5. Que dicho seguro fue adquirido a través de la demandada, Life Insurance Company of North America y ésta sin ningún motivo real no ha querido liberar y conceder los beneficios a los que tiene derecho la demandante.

6. Que tanto bajo la ley local de Puerto Rico como bajo la Ley Federal Employee Retirement Income Security Act (ERISA), la demandante tiene derechos adquiridos sobre dichos beneficios.

7. Dichos beneficios fueron denegados a la parte demandante el día 1ro de julio de 1996.

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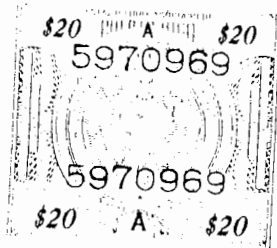
Demanda.

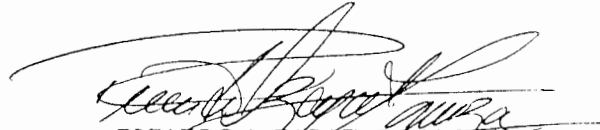
8. Que la Ley Núm. 77 del 19 de junio de 1957, mejor conocida como Código de Seguros de Puerto Rico, en su Artículo 16.150 le concede un término prescriptivo de tres (3) años comenzados a partir de la negación de los beneficios de dicho seguro, término que al presente no ha decursado.

**POR TODO LO CUAL**, muy respetuosamente, se solicita de este Honorable Tribunal declare **CON LUGAR** la presente Demanda

**RESPETUOSAMENTE SOMETIDO.**

En Ponce, Puerto Rico, hoy *28* de octubre de 1998.



  
**RICARDO A. ZAPATER LANZA**  
**COLEGIADO NUMERO 10111**  
ABOGADO PARTE DEMANDANTE  
AVE. MUNOZ RIVERA 31, PONCE  
PO BOX 236  
MERCEDITA, PUERTO RICO 00715-0236  
TEL: 842-1471 ; FAX: 842-1472

CERTIFIED TRANSLATION

COMMONWEALTH OF PUERTO RICO  
COURT OF FIRST INSTANCE  
PONCE SUPERIOR COURT

LUZ S. TORRES BURGOS  
NELSON E. COLON MELENDEZ  
and the conjugal partnership  
comprised by both,

Plaintiffs,

v.

LIFE INSURANCE COMPANY OF  
NORTH AMERICA; CIGNA GROUP  
INSURANCE CO., AND ABC  
INSURANCE CO.,

Defendants.

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CIVIL NO. JAC 98-0719

Re: BREACH OF CONTRACT  
DAMAGES

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COMPLAINT

TO THE HONORABLE COURT:

COME NOW plaintiffs, through their undersigned attorney, and  
very respectfully, ALLEGE, STATE AND PRAY:

1. That plaintiffs, LUZ S. TORRES BURGOS and NELSON E. COLON  
MELENDEZ, are married to each other, of legal age, and residents of  
Orocovis, Puerto Rico. Their residential address is State Road  
569, Km. 1.0 interior in the town of Orocovis, Puerto Rico, and the  
mailing address is P.O. Box 129, Orocovis, Puerto Rico 00720.

2. That co-defendants, Life Insurance Co. of North America,  
Cigna Group Insurance Corp. and ABC Insurance Co., are for profit  
corporations engaged in the insurance business in Puerto Rico and  
are authorized by the Commissioner of Insurance of Puerto Rico of

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the Commonwealth of Puerto Rico to engage in said business. Their address is Box 191249, San Juan, Puerto Rico 00919-1249. ABC Insurance Co. is a fictitious name used to identify the insurer.

3. That plaintiff works at the Ponce Federal Bank, F.S.B. and the latter had an employment disability policy issued for management personnel.

4. That plaintiff became disabled for health reasons.

5. That said insurance was acquired through defendant Life Insurance Company of North America and the latter, without any real motive, has not wanted to release and grant the benefits to which plaintiffs are entitled.

6. That under local Puerto Rico law as well as under the Federal Employee Retirement Income Security Act (ERISA), plaintiffs are vested for said benefits.

7. Said benefits were denied to plaintiffs on July 1, 1996.

8. That Act No. 77 of June 19, 1957, better known as the Insurance Code of Puerto Rico, in its Article 16.150 grants a three (3) year statute of limitations commencing from the denial of the benefits of said insurance, which term which has not yet expired.

WHEREFORE, it is very respectfully requested of this Honorable Court that it grant this Complaint.

RESPECTFULLY SUBMITTED.

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In Ponce, Puerto Rico, on October 28, 1998.

S/signed

[Forensic stamp \$1.00]

{IRS stamp: \$20.00}

RICARDO A. ZAPATER LANUZA  
BAR MEMBERSHIP #10111  
ATTORNEY FOR PLAINTIFFS  
#31 MUÑOZ RIVERA AVENUE, PONCE  
PO BOX 236  
MERCEDITA, PUERTO RICO 00715-0236  
TEL. 842-471; FAX 842-1472

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SERVICE OF PROCESS BY AN INDIVIDUAL

I, (illegible), previously sworn in, STATE:

That my name is as stated, I am over 21 years of age, I know how to read and write and I am not counsel for plaintiffs in this matter, nor a party hereto, nor do I have any interest herein.

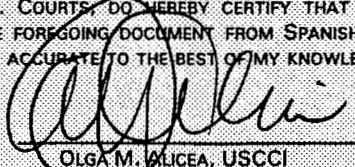
That I received this summons on November 21, 1998, notifying the same personally to Life Insurance Company of North America c/o Mr. Alfonso Galonas, (illegible), that is, the defendant mentioned in said summons, on November 23, 1998 at 10:00 a.m. in Hato Rey, Puerto Rico, personally delivering copy of the Complaint filed and a copy of this Summons, on the back of which I indicated under my signature the date and place of said service.

S/signature illegible

Process Server

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**CERTIFICATION**  
I, OLGA M. ALICEA, AN ENGLISH-SPANISH INTERPRETER AND TRANSLATOR CERTIFIED TO THAT EFFECT BY THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS, DO HEREBY CERTIFY THAT THE TRANSLATION OF THE FOREGOING DOCUMENT FROM SPANISH TO ENGLISH IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND ABILITIES.



OLGA M. ALICEA, USCCI